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\*Pro hac vice application filed

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

LAKELAND BANK,

*Defendant.*

Civil Action No. 2:22-cv-5746-CCC

**NOTICE OF SUPPLEMENTAL AUTHORITY**

New Jersey Citizen Action Education Fund, Housing Equality Center of Pennsylvania, and National Fair Housing Alliance notify the Court of “pertinent

and significant authorities” issued after the filing of their motion for leave to participate as *amici curiae* in this matter.<sup>1</sup>

On July 23, 2025, the United States District Court for the Eastern District of Pennsylvania considered an unopposed motion to terminate a five year-long consent order between the United States and a financial institution, entered after allegations by the United States that the financial institution violated the Fair Housing Act and Equal Credit Opportunity Act through unlawful redlining of neighborhoods in and around Philadelphia. *United States v. ESSA Bank & Trust*, 2:23-cv-02065, ECF No. 20, slip op. at 2, 5 (E.D. Pa. July 23, 2025). The Court determined that

Rooted in the mandates of federal law and the protections of the U.S. Constitution, the Consent Order aims to address the lingering effects of ESSA’s alleged discriminatory lending practices by requiring ongoing measures to promote credit access in previously excluded majority Black and Hispanic census tracts. These obligations serve the public interest and remain necessary until the Consent Order’s full term is complete.

*Id.* at 7. The Court therefore denied the motion. *Id.* at 11.

In *ESSA Bank & Trust*, as in the instant case, the bank had years of continuing obligations remaining under the consent order, including, but not

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<sup>1</sup> See *Patlan v. BMW of N. Am., LLC*, No. 18-CV-09546, 2024 WL 1328012, at \*4 (D.N.J. Mar. 28, 2024) (Cecchi, J.) (quoting *Atkins v. Capri Training Ctr., Inc.*, No. 2:13-CV-06820 SDW, 2014 WL 4930906, at \*10 (D.N.J. Oct. 1, 2014)).

limited to: (1) annual training requirements; (2) appointment of a Community Development Officer; (3) community partnership efforts; (4) annual evaluations and updates; (5) advertising efforts; and (6) annual real estate and financial education programs. *Id.* at 8–9 n.6. However, in *ESSA Bank & Trust*, unlike in the instant case, the bank had fully paid out the loan subsidy fund. *Id.* at 8. Still, the Court determined that “[t]he U.S. and ESSA’s assertion that ESSA has substantially complied with the Consent Order, thereby constituting a significant change in facts, is contrary to the evidence (or lack thereof) before the Court.” *Id.*

The Court briefly addressed the purported impact of changing policy priorities on the Federal Rule of Civil Procedure 60(b) analysis, noting that

While the Court can only speculate as to the U.S.’ motivations for filing its motion, the Court emphasizes that consent orders are final judicial determinations—not mere policy statements subject to reversal at the discretion of a changing Executive Administration. The integrity of the judicial process and public confidence in the rule of law remain paramount.

*Id.* at 1 n.1.

Proposed *Amici* attach a copy of the decision in *ESSA Bank & Trust* for this Court’s review, as Exhibit A.

Dated: July 24, 2025

Respectfully submitted,

By: /s/ Eli Segal

Eli Segal

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*Attorneys for Proposed Amici Curiae*

\**Pro hac vice* application pending

**CERTIFICATE OF SERVICE**

I, Eli Segal, hereby certify that on this date, I caused the foregoing document to be filed electronically with this Court, where it is available for viewing and downloading from the Court's ECF system by the Court and all parties.

Dated: July 24, 2025

By: /s/ Eli Segal

Eli Segal